UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

RONALD P. PASSATEMPO, Trustee of the Samuel Pietropaolo Irrevocable Trust, et al.,)))
Plaintiffs,)) Case No. 05-CV-10118-GAC
V.)
Frederick V. McMenimen III, et al.,)
Defendants.)))

SUGGESTION OF DEATH

Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, defendant Frederick V. McMenimen III hereby suggests upon the record the death of plaintiff Samuel Pietropaolo, who passed away on or about April 1, 2005.

Respectfully submitted,

FREDERICK V. MCMENIMEN, III

By his attorney,

/s/ William P. Corbett, Jr.

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